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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
YOUNG JOON YANG, et al.,
Defendants

No. CR 05-00395 CRB
[Filed June 23, 2005]

UNITED STATES OF AMERICA,
Plaintiff,
v.
YONG SUN AUSTIN,
a/k/a Tammy,
Defendant.

No. CR 08-0056 MHP
[Filed February 6, 2008]

UNITED STATES' NOTICE OF
RELATED CASE IN A CRIMINAL
ACTION
(San Francisco Venue)

The United States hereby notifies the Court that the two above-captioned criminal cases
are related, pursuant to Criminal Local Rule 8-1.

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RELATED CASE NOTICE
[CR 05-00395 CRB, CR 08-0056 MHP]

I. DESCRIPTION OF CASES

1. United States v. Young Joon Yang et al., CR 05-00395 CRB

On June 23, 2005, a grand jury returned an indictment against 29 people in United States v. Young Joon Yang et al., CR 05-00395 CRB (hereinafter Yang Indictment), which arises from the Gilded Cage investigation.¹

2. United States v. Yong Sun Austin, CR 08-0056 MHP

On February 6, 2008, the United States Attorney's Office file a single-count information against Yong Sun Austin in United States v. Yong Sun Austin, CR 08-0056 MHP. The information charges Austin with use of a facility in aid of unlawful activity (18 U.S.C. § 1952), and it is based on the same Gilded Cage investigation. The United States has filed the information as part of an anticipated plea in this matter.

II. RELATIONSHIP OF THE CASES

Local Rule 8-1(b) defines cases as related in where "[b]oth actions appear likely to entail substantial duplication of labor if heard by different Judges or might create conflicts and unnecessary expenses if conducted before different Judges." Here, the cases are related under this provision for a number of reasons. First, both cases emanate from the same investigation, Gilded Cage, based on some of the same evidence and involving many of the same witnesses. Further, having presided over related cases encompassing over 35 defendants from Gilded Cage, Judge Breyer is familiar with the facts and circumstances of that investigation. Moreover, because the parties anticipate a negotiated disposition and Judge Breyer has handled all of the pleas and sentencings in this matter, it would likely entail a substantial duplication of labor for another judge to get up to speed in the matter and it might result in conflicts in the record. Thus, the government believes that assignment of the two matters to a single judge is likely to conserve

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¹ Since the Yang indictment, the Court has related five other cases before Judge Breyer (U.S. v. Moore et al., CR 05-00447; U.S. v. Chang Kun Kim, CR 05-00613; U.S. v. Pang et al., CR 06-0101; U.S. v. Lau, CR 06-192; and U.S. v. Imsang Lee, CR 07-0735) arising from the same investigation, Operation Gilded Cage.

1 judicial resources and promote the efficient administration of justice.

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3 Date: February 6, 2008

Respectfully Submitted,

4 JOSEPH P. RUSSONIELLO

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6 /S / PETER B. AXELROD

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7 LAUREL BEELER

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